THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.33941 OF 1997

DATE: 15-11-2007

Between :

Babu Rao … Petitioner

And

1. The Mandal Revenue Officer, Peddapally, Karimnagar District., and 2 others. .. Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO.33941 OF 1997

ORDER :

This writ petition is filed aggrieved by the action of the 1st respondent in issuing the attachment order dated 11-12-1997 under A.P. Revenue Recovery Act, 1864 (for short, 'the Act') for recovery of the alleged loss suffered by the respondents 2 and 3 on account of the sub-standard work executed by the petitioner in the works of lining to the distributaries in Division No.4, LMD Colony.

It is primarily contended by the petitioner that the impugned attachment order which was issued without any notice regarding the alleged sub-standard work and without ascertaining the alleged loss and without fixing the liability is arbitrary, illegal and violative of the principles of natural justice.

In the counter-affidavit filed on behalf of the 3rd respondent, though it is alleged that the petitioner failed to execute the work as per the prescribed standards, the specific plea of the petitioner that there was no prior notice to the petitioner and no enquiry was conducted fixing the liability for the alleged loss has not been disputed.

Having regard to the undisputed fact that the petitioner was not given any opportunity to raise his objections, the impugned demand is hereby set aside and the Writ Petition is disposed of with a direction to the respondents to determine the liability of the petitioner if any following due process of law and then take necessary steps in accordance with law. No costs.

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G. ROHINI, J.

Dt. 15-11-2007
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